

June 26, 2000

TO: Federal-State Management Group

FROM: Mary Selkirk

SUBJECT: Meeting Outcomes – June 20, 2000

The following is a summary of outcomes from the CALFED Federal-State Management Group meeting held on Tuesday, June 20, 2000. Rick Breitenbach, CALFED staff, led the discussions.

1. Follow-up: The CALFED Framework for Action

- Implementation of Stage 1 Actions - Dennis Majors, CALFED staff, distributed a limited number of "cost and resource histograms" produced by him and other MWD staff in response to a request for analysis of funding requirements for Stage 1 Implementation. He cautioned that handout was in its very preliminary stages. This summary was based on more detailed analyses developed by the team and contained in two workbooks that were distributed to CALFED Program Managers the previous day.

Outcome: Steve Ritchie added they hoped to have it further refined by the following week.

- Record of Decision Meetings – Meetings will be held each Tuesday afternoon beginning today to develop language for the ROD.
- Permit Coordination – Rich Breitenbach, CALFED staff, addressed CALFED Bay-Delta Program permit requirements. He pointed out that CALFED plans to develop a comprehensive list of permit requirements for all proposed program components in early Stage 1, and will discussions between the State and Federal Regulatory agencies to establish a "permit clearinghouse" to coordinate and expedite permit applications across all CALFED programs. CALFED agencies will develop an MOU detailing this clearinghouse process by December 2000.

Outcome: Rick Breitenbach and Cindy Darling, CALFED staff, will be contacting all agencies in the very near future to develop the list of permit requirements. Rich asked that agencies be prepared to provide someone familiar with the CALFED Bay-Delta Program to act as the official translator. Consideration would be given to coordinating these contacts with those which Dennis Major will make to gather information for agency requirements for Stage 1 Implementation.

Jerry Johns, SWRCB, had a question on the statement contained in Rick's handout:

The State Water Resources Control Board is working with CALFED to develop a Memorandum of Understanding as to how it will proceed with Section 401 certification of CALFED storage projects. The MOU will be completed at the time of the Record of Decision.

Outcome: Rick Breitenbach would discuss this item with Jerry Johns on Wednesday, June 21st.

2. Environmental Water Account: Gaming Assumptions

Ron Ott and Dave Fullerton, CALFED staff, reported on the three-hour meeting held Friday, June 16, to introduce stakeholders to gaming activities. They were disappointed in the low stakeholder turnout, but were happy with the interest of those who participated. The conclusion was that the stakeholders' priorities were to have the actions included in Framework gamed and to have long-term (17 years) analysis completed. Mike Fris, USFWS and a member of the gaming team, said two weeks is not enough because it may be tricky to do long-term analysis if b(2) water and EWA are added. Ron Ott asked for guidance from the Management Group.

Kathy Kelly said they need to work closely with USFWS for its needs for the biological opinion. She too said b(2) is a major complication in modeling. Mike Fris did not think they needed to game the Framework because Game 5 is so similar. Ron Ott, however, said the audience was strongly interested in gaming the Framework in order to bring that information back to their organizations.

Mike Spear referred to the wording contained in regulations, which say "shall". Lester Snow said EWA has to be the priority. He said it was as if they are gaming for potential rules. Mike Spear said there should be at least one more game with instream storage and Los Vaqueros.

Outcomes:

- Ron Ott noted all suggestions and would structure the next gaming exercise accordingly.
- This agenda item would continue to appear until EWA gaming is completed.

3. EIS/EIR Update – Description of Storage in the Preferred Alternative

Steve Ritchie presented an outline with two approaches for modifying the current description of storage in the Preferred Program Alternative. The description would be part of the Impact Analysis Document and the Phase II Report. There were several suggestions from members of the group especially with making certain all of the documents clearly reflect the Framework for Action. The ROD will then tie all of it together. Mike Spear noted that Los Vaqueros is not covered directly in the EIS/EIR, but Rick Breitenbach said the EIS/EIR contained generic consequences, which would adequately cover it.

Outcome: Steve Ritchie will revise the description of storage to be consistent in the final documents.

4. Multi-Species Conservation Strategy – Steve Ritchie discussed the conflict MSCS is encountering to obtain the biological opinion required before the Record of Decision. The Framework of Action lays out plans to enlarge Los Vaqueros, but this plan will inundate mitigation actions required for the initial Los Vaqueros project.

Outcome: This agenda item will continue to appear until resolved.

5. Ecosystem Restoration Program PSP: "Non-responsive" proposals

Wendy Halverson Martin, CALFED staff, reported that she along with the Attorney General's Office had developed the application requirements for the Proposal Solicitation Packages. There were specific requirements which must be met to pass the initial threshold review. There were 12 applicants that did not supply the Federal form required for submission that were rejected from the competition for project funding. These applicants were now appealing this action based on misleading instructions. Tim Ramirez, Resources Agency and member of the review panel, felt the bar had been raised and should be kept there. Legal counsel for both the State and Federal governments stated the instructions were clear and the judgments should be held.

Outcome: General agreement that the twelve proposals that lacked the federal form be reconsidered, while the other eight proposals would not be. Alf Brandt, DOI, and Patrick Wright, Resources Agency, will make the final decision.

6. Other Business --

Phase 8 Water Rights Hearing

Kathy Kelly asked about the Phase 8, Bay-Delta Water Rights Hearing, which the State Water Resources Control Board is conducting for the purpose of receiving evidence regarding the rights and responsibilities of water rights holders whose use of their water rights affects the beneficial uses of water in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. It was said that the exporters in the Sacramento Valley seem to be willing to set milestones. The deadline for submitting exhibits and legal briefs is June 30, 2000.

Outcome: There would be a joint Federal-State meeting to formulate a position for testimony. They would speak with Steve Macaulay later in the day.

Steelhead Listing

Gary Sterns reported that NMFS was holding a press conference this morning announcing the "Protective Measures for Salmon and Steelhead Populations."

Jim Lecky was quoted in the press release as saying:

The new steelhead rule we are publishing today will serve as an important complement to the CALFED Bay-Delta Program which has been developed by Federal and State agencies, in conjunction with stakeholders, to restore the ecological health of the Bay-Delta ecosystem in California's Central Valley. . . . The steelhead rule should facilitate implementation of CALFED programs related to water diversion screening, habitat restoration based on watershed conservation planning, and scientific research programs.